



## University of Baltimore Law Forum

Volume 6  
Number 3 March, 1976

Article 11

3-1976

# Organized Murder in a Box: Wargaming

Edward Lulie III

Follow this and additional works at: <http://scholarworks.law.ubalt.edu/lf>



Part of the [Law Commons](#)

### Recommended Citation

Lulie, Edward III (1976) "Organized Murder in a Box: Wargaming," *University of Baltimore Law Forum*: Vol. 6 : No. 3 , Article 11.  
Available at: <http://scholarworks.law.ubalt.edu/lf/vol6/iss3/11>

This Article is brought to you for free and open access by ScholarWorks@University of Baltimore School of Law. It has been accepted for inclusion in University of Baltimore Law Forum by an authorized editor of ScholarWorks@University of Baltimore School of Law. For more information, please contact [snolan@ubalt.edu](mailto:snolan@ubalt.edu).

# Casenote

## Women In Labor (or The Female's Blue Collar Blues)

999 S. Ct. 2628 (April 1, 1976)  
by J. Cheever Loophole

A recent Supreme Court decision, *Suburban New Jersey v. Ten Sex-starved Matrons*, illustrates the crying need today's world has for a new perspective on Women's Rights. Not too long ago the term "Women's Rights" might have been used to distinguish "Women's Lefts," but an entirely new meaning has emerged from that term. What exactly that meaning might be is unclear. This landmark decision, while effectively setting new guidelines for Constitutionally-proper bedroom demeanor, leaves many questions unanswered.

The historic decision results from a joinder of ten apparently unrelated New Jersey cases, which were heard together because the underlying theme was not altogether clear, and because it was Monday. Among the specific issues to be litigated in the lower courts were: 1. an injunction to force firemen to use panty hose; 2. a suit to stop a husband's day dreams of sodomy; 3. a class action on behalf of all uncastrated male dogs in Newark, to change the legislative terminology on a dog population-control statute from "fixed" to "broken;" 4. a suit to force male nurses to shave their legs; 5. an action for specific performance against an obscene phone caller; 6. a challenge to a state rape statute by a feminist group which wants the statute declared unconstitutional because under it no woman can become a rapist, even if she wants to; 7. a girl scout troop's suit to have the age of puberty lowered; 8. a challenge to an injunction, the terms of which force black, female job applicants to interview with one arm

tied behind their backs; 9. a suit to have the term "Peeping Tom" changed to "Peeping Tom or Alice;" and, finally, 10. a motion to quash legislation requiring all New Jersey penes to be tattooed with the following warning: "Caution: The Surgeon-General Has Determined That Penes May Be A Major Cause Of Many Pregnancies, According To Laboratory Tests On Rats." The legislation is attached as being vague, overbroad, and too damned long.

The Chief Justice, on behalf of the Minority (Puerto Ricans), treated the sex cases lightly, and said, tongue in cheek, "Myf Rggltqr. Qankltropp oorp fopfi" The conservative element carried the majority, which ruled that sexual discrimination does not mean good taste in partners:

"Sex without love always alienates anyone who altruistically approaches another with anything other than anatomy in mind, any time the advance awkwardly, and inevitably, arrives at an altercation, Americans appreciate an antiseptic analysis of the atypical awareness which all anticipate this Court can provide. Of course, alphabetically, sex is low on our list, but, physically, it is close to our hearts. Personally, sex gets an 'A' in my book."

After citing the famed case of *The Cleveland Indians v. The Memory of Lewis and Clark*, 43 Ind. R. 647 (1847), the Court goes on to establish guidelines upon which sexuality can be judged in the future, including a condemnation of citizens who are disloyal enough to sue the United States on a "Deep Throat — Deeper Pocket" theory. Recalling the essence of the *Memory* case, which held that since sex is often taxing, then sex can be taxed validly by Congress under the Intercourse section of the Commerce Clause, the Court establishes four important guidelines for sexual behavior:

1. *Equal Pay for Equal Work*. Prostitution is unconstitutional, because, historically, there has never been equal pay for equal work.
2. *Tadpoles Grow up to be Guppies*. This obviously allegorical pronunciation will have to stand the test of time,

and the careful scrutiny of lower courts before ultimate affirmation.

3. *It Takes One to Know One*. By far the most liberal and advanced stand on homosexuality the Court has ever taken.

4. *You Never Miss the Water 'Till the Well Runs Dry*. The most important advance of the year, this principle applies the Parol Evidence Rule to bridge contracts, affirming the common law rule of "Finders Keepers, Losers Weepers."

Interestingly enough, there is dicta which hints at the Majority's unanimous lament of lost youth. "Being Old Stinks" say the Justices. Referring to days gone by, when men wore pants and women wore dresses, the opinion goes on, "Sexual practices of today leave a bad taste in my mouth."

•

# Organized Murder in a Box: Wargaming

by Edward Lulie III

At 4517 Harford Road, within sight of the University of Baltimore, is a grey building which houses the Avalon Hill Company. The building looks like an old factory but the name of the company inside is familiar to Pentagon and NATO planners as well as to tens of thousands of "wargamers." Wargaming is the name of a form of gameplaying which is descended from Chess and while it is often a complex and difficult sport (if you can consider gameplaying a sport), it has a growing popularity. A wargaming fana-

tic may specialize in one particular game and will sit, playing it alone for days on end, oblivious to all but the game. Many uninitiated are aghast at what appears to be a glorification of man's determined attempts at self destruction: war. War is man's greatest expression of conflict; conflict is the essential ingredient of most games, from monopoly to bridge.

Wargaming is an idealized sport, involving skill, intellect and that ancient uncertainty, luck, with a simulation of a conflict. The conflict may be historical, involving the Punic Wars or the Battle of Britain. Historians have always engaged in coffee table discussions of "what if?" Law students often engage in similar discussions; such as "What if Richard Nixon had been impeached and tried?" This question of "what if?" is a primary facet of "wargaming." Most wargames are the product of months of detailed historical research. Out of this research emerges a set of data which is translated into a map style game board and a set of rules and counters. Factors considered are social conditions, technology and even the weather. After the game is designed it is then "play-tested" to determine what rules are workable and what are not. The finished product is then sold by mail-order or in your local hobby shop. Games already published include the battles of Stalingrad, D-Day, Midway, Bismark, and even one, Helms' Deep which is about Tolkien's *Lord of the Ring* series.

Game publishers are few in number, the largest being Avalon Hill and Closely followed by Simulation Publications Incorporated (SPI). Avalon Hill first published three games in 1958 and since then wargaming has grown into a multi-million dollar business. Some collectors will pay high prices for old, discontinued games.

These games give a talented amateur the chance to pit himself and his unorthodox approach against the well-schooled and well-honed approach of the professional campaigner. These games have been used by NATO and American military commanders as training tools. Some games, such as Panzer-Leader, are very accurate and detailed, so much so, in fact, that historical

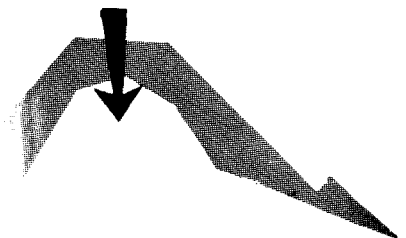
scenarios tend to repeat history. One soon learns that avoidance of future wars depends upon an understanding of the relative weaknesses and strengths of prospective adversaries.

Logic is essential but it must not be allowed to be a substitution for imagination; otherwise, wargaming becomes merely a mathematical exercise. For a student of law an imagination is a gift of great utility and value. To see beyond the black letter of the cases and to understand what is not apparent from the record. Without the open-mindedness of a well-disciplined imagination it is easy to miss the nuances on which hard cases are won and lost. Wargaming sharpens the skills needed in an adversary process. The player is forced to face a determined opponent who, to achieve his goal, must prevent you from obtaining yours.

Those who enjoy the process of mastering the often intellectually demanding rules find wargaming a very satisfying social and mental activity. The social element is encouraged by the designers and players through the hobby itself, by wargaming magazines, and by such activities as the tournament which was held at Johns Hopkins University last summer. The introductory and average level games range in price from four to twelve dollars, and with some care will last several years. An average game, if there is such a creature, takes about one to two hours to learn and one to two hours to play. The advanced level games may take weeks or even longer to master.

The gameboard may vary from representing a small area, several hundred yards wide, to representing a map of an entire galaxy. One can command thousands of large units or only several troops. The wargame is designed to be an opportunity for highly disciplined mental exercise which exposes the personal idiosyncrasy of the players and develops the ability to improvise under fire. The conflict results are usually resolved by the use of dice, thus making chance and luck considerable factors in the game. A lucky player may be beaten but if a player can combine skill and luck he is seldom, if ever, beaten. Chess lacks this element; one who finds himself up against a superior player in chess may

always employ the last resort tactic of smiling and looking confident. If unpredictable moves are made against a superior talent in either chess or wargaming, the result may be that the superior is suddenly wondering whether he was too lax in assuming he was up against a complete moron. He may be right; but if you make the right moves, or not make the wrong ones, the superior talent may defeat himself from sheer paranoia. A grasp of understanding your opponent may be essential to understanding what might happen next in Court. Faces are seldom reflective of a person's real thoughts; the ability to outguess your opponent could make the difference between victory and defeat. A good way to achieve courtroom expertise is to spend all your out of class time wargaming.



## NOTICE: Law Placement

Do you need a part-time law clerk, a summer law clerk or a full-time law graduate? Or, do you have a law related position that you would like to have competently filled?

Contact Assistant Dean William I. Weston at the Law Placement Service at the University of Baltimore School of Law, 1420 North Charles Street, Baltimore, Md. 21202. Telephone (301) 727-6350, ext. 251

